

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 78/249,467
Published in the *Official Gazette* on September 14, 2004
Mark: PEARL EYES

PEARLE VISION, INC. and PEARLE INC.

Opposers,

v.

INKA DOERRIG,

Applicant.

Opposition No. 91164493

CERTIFICATE OF EXPRESS MAILING

I, Anthony Colesanti, hereby certify that this paper is being deposited with the United States Postal Service on the date appearing below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number ER02351233405 postage prepaid, addressed to: Commissioner for Trademarks, PO Box 1451 Alexandria VA 22313-1451.

By: 

Date: 4/20/05

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Commissioner for Trademarks
PO Box 1451
Alexandria, Virginia 22313-1451

**APPLICANT'S ANSWER TO NOTICE OF OPPOSITION
WITH AFFIRMATIVE DEFENSES**

Dear Sir:

Inka Doerrig (hereinafter "Applicant") for her Answer to the Notice of Opposition of Pearle Vision, Inc. and Pearle, Inc. (hereinafter "Opposers"), pleads and avers as follows:

1. Applicant admits that Opposers market and sell eyeglasses and provide optical services.
2. Applicant does not have sufficient information to admit or deny the averments of paragraph 2, and therefore denies the same.
3. Applicant does not have sufficient information to admit or deny the averments of paragraph 3, and therefore denies the same.
4. Applicant admits that the uncertified records of the United States Patent and Trademark Office reveal numerous registrations for PEARLE formative marks owned directly or indirectly by Opposers.

04-20-2005

5. Applicant does not have sufficient information to admit or deny the averments of paragraph 5, and therefore denies the same.

6. Applicant admits that she is an individual with an address at Apt #3D, 8 Gramercy Park South, New York, New York 10003.

7. Applicant admits that she seeks to register the PEARL EYES mark for: eye products, namely, eye makeup, eye shadow, eyeliner, eye pencils and eye creams, in International Class 03.

8. Paragraph 8 contains only conclusions of law that require no answer. To the extent that paragraph 8 recites averments, such averments are denied.

9. Paragraph 9 contains only conclusions of law that require no answer. To the extent that paragraph 9 recites averments, such averments are denied.

10. Paragraph 10 contains only conclusions of law that require no answer. To the extent that paragraph 10 recites averments, such averments are denied.

11. Paragraph 11 contains only conclusions of law that require no answer. To the extent that paragraph 11 recites averments, such averments are denied.

AFFIRMATIVE DEFENSES

12. Applicant repeats and alleges each and every allegation of paragraphs 1 through 11 as though fully set forth herein.

13. Opposers' Notice of Opposition does not set forth a claim upon which the relief sought may be granted.

14. Opposers' claims are barred, as there is no likelihood of confusion between Applicant's mark as used for her goods and Opposer's marks.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed, and that the Board enter judgment in favor of the Applicant.

Respectfully submitted,

COLESANTI & ASSOCIATES LLC

Date

4/20/05



Anthony Colesanti
Registration No. 42,428
Attorney for Applicant

Colesanti & Associates LLC
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CHANGE OF CORRESPONDENCE


Please change the correspondence address for the above-identified application / opposition to:

Colesanti & Associates LLC
P.O. Box 954
Bristol, RI 02809

Phone 215.820.9916
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Date

4/5/05



Anthony Colesanti
Registration No. 42,428
Attorney for Applicant

Colesanti & Associates LLC
P.O. Box 954
Bristol, RI 02809

CERTIFICATE OF SERVICE

I certify that I served a true and correct copy of the foregoing Applicant's Answer to Notice of Opposition with Affirmative Defenses upon Michael D. Fishman, Rader, Fishman & Grauer PLLC, 3993 Woodward Avenue, Ste. 140, Bloomfield Hills, MI 48304, counsel for Opposer, on this 20 day of April, 2005, via first class mail, postage prepaid.



Anthony Colesanti